REMARKS

Claim 1-15 remain pending in the present application. Of these, claims 1-15 stand rejected. Claims 1- 15 have been amended, for the sake of clarity, and new claims 16-20 have been added. Claims 1, 16 and 19 are the independent claims. The subject matter called for by the amended claims is clearly supported by the original specification; consequently, no new matter has been added. Reconsideration of the application in light of the amendments to the claims and the following remarks is respectfully requested.

Summary of Telephonic Interview

Applicant would like to thank Examiner F. Abdelsalam and Primary Examiner D. Ruhl for granting applicant the courtesy of a telephonic interview on March 31, 2009. On the call were Primary Examiner Ruhl, Examiner Abdelsalam, the applicant Stephen Cozzolino, applicant's patent attorney Ernest D. Buff and applicant's patent agent Aniket Patel. During the course of the interview several issues, including applicant's inclusion of a figure in claim 1, were discussed and resolved.

Discussion of Claim Amendments

Applicant has amended claims 1-15 in light of the constructive suggestions of the Examiners, and as discussed more specifically below. New claims 16-20 have been added in order to provide adequate compensation for applicant's contribution to the art.

Discussion of Present Application

Applicant's invention, as recited by the instant claims, as amended, provides an enterprise wide task and commitment management system for monitoring and recording single tasks that form part of a project. These tasks can be performed by two employees, (a) one functions as a task Originator and (b) the other as a task Recipient, in a matrix based organization. The system includes a relational database means of storing and recording all task states, task state transitions, task data and task data changes of a task as data structures in computer-readable storage medium as well as a relational database means of storing and recording a management hierarchy as data structures in said computer-readable storage medium. The task state machine also incorporates a schema that includes:

a. A Generated Task state wherein, the Originator generates a new task, the Originator can cancel the new task thereby transitioning the task to the Canceled Task state or, the Originator can request the new task be performed by the Recipient thereby transitioning the task to the Requested Task state.

b. A Requested Task state wherein, the Originator or the Recipient can propose a change request to the terms of the task thereby transitioning the task to the Change Requested Task state or, the Originator can cancel the task thereby transitioning the task to the Canceled Task state or, the Recipient can accept the task thereby transitioning the task to the Accepted Task state or, the Recipient can decline the task thereby transitioning the task to the Declined Task state.

c. A Change Requested Task state wherein the Originator or the Recipient can accept or reject one or more proposed changes to the task thereby transitioning the task to the prior task state, Requested Task state or Accepted Task state.

d. An Accepted Task state wherein, the Originator or the Recipient can propose a change request to the terms of the task thereby transitioning the task to the Change Requested Task state or, the Originator can cancel the task thereby transitioning the task to the Canceled Task state or, the Recipient can submit the one or more task deliverables thereby transitioning the task to the Submitted Task state.

e. A Cancelled Task state wherein the Originator has canceled the task.

f. A Declined Task state wherein the Recipient has declined the task.

g. A Submitted Task state wherein the Originator can reject one or more task deliverables submitted by the Recipient thereby transitioning the task to the Accepted Task state or the Originator can accept the task deliverables thereby transitioning the task to the Closed Task state.

h. A Closed Task state wherein the Originator has closed the task after accepting the one or more task deliverables submitted by the Recipient.

Also included are a graphical user interface system software wherein the entire upward management hierarchy of direct and indirect, inline managers of a task Originator and a task Recipient are granted visibility privileges to observe the task in the role of Observer. The graphical user interface system software provides a means wherein users of the system transact tasks, manage tasks, and observe tasks.

The present invention, as defined by the above claims, addresses a strong need in the art for an organizationally interactive task management system in a matrix based organizational environment, wherein the recipient of a task is provided with an opportunity to accept, decline or modify the task, work on the task, submit the task. Advantageously **all** of these **interactions** are **recorded** by the system and are **visible to** inline **managers** responsible for employee performance evaluations based on organizational hierarchy.

Commitment management, as **defined by the applicant** in the present application, allows employees to **solicit** work from coworkers and **perform** work for coworkers both inside and outside of their direct reporting lines. It **formalizes** the task transaction by **tracking all states** of the transaction and making that work **visible** to inline managers for the purpose of recognition, reward and operational management. This effectively and advantageously corrects the motivational disconnect that currently exists in matrix activities, provides first hand content for the performance appraisal, creates a task transaction repository for business process managers to mine for new efficiencies, archives indisputable evidence for a fiscal compliance audit, and generates a real time view of a the execution of corporate objectives.

Execution of corporate strategy often requires task collaboration across departments. Since the manager-subordinate relationship is not often present across reporting structures, traditional task delegation and project management are not viable options hence management often executes strategy using email, meetings and phone calls; these transient communications lack task accountability, commitment and status. This invention enables cross department collaboration by enabling a task originator to

negotiate a task with a task recipient **within the bounds** of a task state machine, regardless of the task participants' departmental membership. Further, the task transaction is **automatically made visible** to the upward, inline management of the task participants. By using negotiation instead of delegation, collaboration can occur horizontally across departments; additionally, the automatic visibility of the task transaction to management provides task commitment, accountability and status. Together, task negotiation and management visibility enable collaboration at an executive or organic level, within or across reporting structures.

The presently claimed system, uses a software program that embodies every detail of the task state machine (depicted in Figure 1 in the instant applciation), which defines the possible interaction between an Originator and a Recipient of a task that represents a portion or subset of tasks in a project. It is an advantageous, salient feature of the present invention, that the Originator defines the task that includes details and time frame of the task, and sends it to a Recipient, advantageously starting a task negotiation process. The Recipient, upon receipt of the request, examines the task and may decide to accept it, decline it or change the details or time frame of the task; and the Recipient's subsequent action is received by the Originator. This negotiation process commits the Recipient of the task and **is advantageously recorded** by the system, **including the negotiation process**, which provides a commitment management function as defined by the present application.

As previously stated the Organizationally Interactive Task Management and Commitment Management System of the present invention incorporates several primary features, which are highly advantageous:

> (*i*) A complex project is broken into a set of tasks, each negotiated between the Originator and the Recipient.
>
> (*ii*) A selective interaction is facilitated between the Originator of a task and the Recipient of a task, wherein the Originator defines a task to be executed by the Recipient.
>
> (*iii*) An opportunity is created for the Recipient to accept, decline or modify the task requested of him.
>
> (*iv*) An opportunity is created for the Originator to (a) accept the modification or (b) reject it, or (c) cancel the task.
>
> (*v*) An opportunity is created for the Recipient to complete the work and submit it to the Originator or partition the work into one or more subtasks.
>
> (*vi*) An opportunity is created for the Originator to accept the work and close the task or send it back for rework from the Recipient.
>
> (*vii*) The entire interaction between the Originator and the Recipient is completely visible to everyone within the upward, inline management hence management is able to advantageously and seamlessly monitor the progress of a single step of a complex project, which has a task interaction between an Originator and a Recipient.
>
> (*viii*) This visibility advantageously allows managers to easily assess performance and reward employees regardless of reporting structure and improve performance by contributing advisory comments to the task status log or in more severe cases, intervene by reassigning a task.
>
> (Note: The numerals *i-viii* correspond to the numerals shown in the task state machine diagram presented earlier in this discussion.)

By accepting a task request through this task management system, as opposed to an undocumented verbal conversation or a static e-mail, the employee has made an explicit commitment to their coworker and an implicit commitment to the organization due to the default task visibility rights given to the management hierarchy of the task originator and task recipient. As such, work is shifted from a relationship dependent, inter-employee plea, **to a managerially visible corporate commitment**; thus, the apt

name commitment management. This provides another advantageous salient feature of the present invention.

Claim Rejections under 35 U.S.C. § 101

Claims 1 and 3-15 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. The Examiner has indicated that applicant's claims are deemed to be software per se.

In order to address this rejection, claim 1 has been amended to recite one or more software storage means. In light of this amendment it is submitted that claim 1, as well as claims 3-15 dependent thereon, no longer recite software per se. Accordingly, it is submitted that amended claims 1 and 3-15 are presently directed toward statutory subject matter.

The Examiner has indicated that claims 1, 3, 5, 6, 7, 8, 10, 12, 14 and 15 "...are alleged to be an apparatus type of claim but there are recited steps of doing acts in the body of the claim, which is not proper for an apparatus type of claim."

Applicant respectfully submits that these claims are directed to a system, and not an apparatus. In light of the amendments to claim 1, and claims 3-8, 10, 12 and 14-15 dependent thereon, it is respectfully submitted that the objection to these claims as being of the apparatus-type, has been obviated.

Accordingly, reconsideration of the rejection of claims 1 and 3-15, as amended, is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 1-15 are rejected under 35 U.S.C. § 112 as being indefinite for attempting to incorporate claim limitations by reference and illustration of a diagram, without stating them clearly in the claim language, which is improper.

Applicant respectfully submits that MPEP § 2173.05(s) states, in part:

Incorporation by reference to a specific figure or table "is permitted only in exceptional circumstances where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim.

It is respectfully submitted that translating all that is disclosed in the task sate diagram into standard language would require additional paragraphs that would make the claims difficult to understand and require excessive verbiage. This would unnecessarily increase the size of the claim. Additionally such a complex claim would not insure that applicant has been awarded protection for all that applicant's instant invention contributes to the related fields. Thus, it is respectfully submitted that incorporating by reference a specific figure, as previously called for by claim 1, should be proper, in accordance with MPEP § 2173.05(s). Nevertheless, in order to advance prosecution of this application, applicant has removed the figures embedded within the claims, in compliance with the Examiner's requirement. The Examiner has also indicated that the phrase "persisting all task state changes" as recited in claim 1 is unclear, making that claim indefinite. Applicant respectfully submits that each claim limitation should not be taken by itself, but should be evaluated within the context of the entire claim.

Specifically, claim 1 requires a task state machine which changes states from time to time. An artesian of ordinary skill would understand that the term "...persisting all task state changes to a relational database...", as required by claim 1, means that a task state change needs to continue to exist, especially past the occurrence of the next state change, *i.e.* the task state change must continue to persist. Clearly, the artisan would recognize that such task changes are persisted by storing all task state changes that occur in a relational database. Nevertheless, in order to advance prosecution of this application, applicant has replaced the text with " storing all task state changes to a relational database ..."

The Examiner also indicates that applicant's recital of the terms two terms (i) "the task state machine" and (ii) "said system software" is inconsistent with applicant's recital of a "task state machine system software means" and as such there is no antecedent basis for the two terms. Applicant respectfully submits that claim 1 has been amended to recite "... task state machine system software storage means..." that inherently provides antecedent basis for the two terms pointed to by the Examiner, namely that a task state machine comprised in a task state machine system comprises system software. Regarding claim 4 the Examiner indicates that applicant's recital of "task state machine graphic interface means incorporates said task state diagram" is unclear. Specifically the Examiner indicates he is unclear on how the graphic interface "incorporates' the task state diagram. It is respectfully submitted that the artesian of ordinary skill would understand that the task state diagram describes in part a method. The artesian would also recognize that the user interface would be implementing one or more steps of this method and that the interface would have to be designed to reflect these steps.

Nevertheless, in order to advance prosecution of this application, applicant has replaced the recital of "task state machine graphic interface" with the more common and intuitive "graphical user interface system software". Further, the applicant has replaced the recital of "task state diagram" with the previously defined "task state machine system software" which necessarily includes the task state machine's schema. The system and method of providing a graphical illustration of the task state machine is now clearly articulated in new, dependent, system claim 20 and new, dependent, method claim 18. The complete subject matter called for by these 2 new claims is supported by the original specification on page 26 line 16 and in detail from page 27 line 18 through page 33.

The Examiner indicates that he is unclear to what exactly the task "role" and "states" are and how they form the basis of the state machine graphic interface. Claim I now sufficiently articulates the task roles and task states. Further, the relationship between the task roles, task states, and task transitions with a graphical illustration is aptly stated in the original specification from page 27 line 18 through page 33. Further, applicant has renamed the task states from verbs to past tense verbs modifying a noun, e.g. the former "Generate" state is now recited as "Generated Task" state.

In view of the amendments to the claims and the foregoing remarks, it is submitted that each of the Examiner's concerns has been addressed. Accordingly, reconsideration of the rejection of claims 1-15, as amended, under 35 U.S.C. § 112 is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1-2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fredell et al. (US Patent Publication 2001/0028364).

The Fredell Reference

Fredell essentially discloses a traditional task delegation method with the implicit assumption that a project manager has the authority to assign a task to a project participant; in fact the discussion at pg. 9, para. 113, of Fredell states that one of its purposes is to, "[p]rovide the ability for a project manager to create, assign, and reassign tasks to project participants". Fredell discloses a method and system for distributing electronic documents, generally including sensitive information to selected users, and for communicating to such users, tasks that need to be executed in connection with a project. Fredell also allows for the tracking and the managing execution of such tasks. Fredell provides for a method and system for securely communicating and managing project information among multiple project participants. In particular, Fredell includes a database located at a secure data storage facility and a computer program operable at such a facility for enabling reception, storage and transmission of securely encrypted documents. Access to these documents is enabled through a global computer network, using conventional network browser software with encryption capability. Any project participant can download a document to which he/she has access, make modifications as desired using conventional word processors and upload modified documents with comments to the storage facility. However, original documents at the facility may only be modified by selected persons having authorization to edit such originals. The

invention may also provide read-only capability to selected project participants and preclude upload capability by other selected users. If desired, active notification to intended document reviewers of the presence of a document at the secure storage facility for review can be provided. (See, discussion at pg. 1, para. 2 and 9 of Fredell)

With regard to claim 1, the Examiner has argued that Fredell discloses "...persisting all task state changes to a relational database..." as required by applicant's claim amended claim 1. Specifically he quotes "allows for posting over the global communications network to selected project participants the plurality of project tasks. The posted plurality of project tasks is linkable to the database", from the Fredell abstract, as disclosing applicant's claimed feature. However, applicant respectfully submits that when the entire sentence is read, as quoted below with emphasis added, additional information emerges regarding what Fredell discloses.

> ... The method allows for posting over the global communications network to selected project participants the plurality of project tasks. The posted plurality of project tasks is linkable to the database to retrieve project **documentation** that requires review by the selected project participants. ...

Specifically, the quoted sentences are directed to **document** retrieval, which is not the same as persisting (storing) all **task state changes** to a relational database. Thus, it is respectfully submitted that the cited portion fails to disclose or suggest "...persisting all task state changes to a relational database..." as required by applicant's amended claim 1.

Further still, though paragraphs 91-93 of Fredell disclose that:

> By way of comparison, the **Task Project Manager** of the present invention has the **capability to define and allocate**

> **tasks among the project participants**. ... To **ensure** that **tasks** are actively tracked and are **completed within specified timeframes**, the system is configurable to output warning and overdue notifications to participants. ... For each task, the Project Manager may define warning and overdue parameters that include who should be notified for each task and how far in advance a warning message should be sent. ... The Project Manager can view all of the allocated tasks with status, and can re-allocate tasks as necessary to ensure the prompt and successful completion of the process. ... FIG. 5 illustrates an exemplary Web page 200 that may be provided for inputting task data into the "Project Task Manager". ... Datafield 216 allows for assigning a respective task status, such as not started, in process, completed, etc. ...

It is respectfully submitted that Fredell still fails to disclose or suggest every feature recited in claim 1. Specifically, Fredell fails to disclose the following task states, an Accepted Task state, a Requested Task state, a Change Requested Task state, and a Declined Task state, as required by applicant's amended claim 1. As discussed in the instant application these task state are useful for indicating the status of a negotiation between an Originator and a Recipient, regarding the parameters of a task and whether or not the Recipient is going to accept the task. As indicated by the above quoted text, however, Fredell is clearly concerned only with status of a task with respect to time, and whether the task will be completed on time; this is clearly evidenced by the status indicators specifically disclosed by Fredell, ***i.e.*** **not started, in process and completed.** Thus, it is respectfully submitted that Fredell fails to disclose or suggest each and every task states required by amended claim 1 such as "a Requested Task State ... a Change Requested Task State... an Accepted Task State ... a Declined Task...".

Moreover, it is respectfully submitted that there is no reason for Fredell to disclose or suggest such states. As stated by Fredell at the beginning of the above quoted text, the **project manager, as defined by Fredell,** has the **capability to define and allocate tasks among the project participants.** Clearly, as Fredell requires the project manager to define and assign the tasks to the project participants. Thus, there is no reason for Fredell to track a negotiation process regarding a task between an Originator and a Recipient, as it precludes such negotiations from occurring. In addition, it is respectfully submitted that one of ordinary skill would not modify Fredell to include such features, as it clearly points away from such.

Further still, it was previously submitted that Fredell discloses methods and systems that control which participants have access to which files and for communicating to users, tasks that need to be executed in connection with a project. As such, Fredell fails to disclose, teach, or suggest a negotiation procedure between a task Originator and Recipient as required by amended independent claim 1.

In response to applicant's previous submission the Examiner cited Fredell reference [0007], which states "Negotiations may then occur between the acquiring entity and the target". The Examiner also indicated that Fredell discloses, at paragraph 41, the system software resident on a server computer as described in "FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20").

However, applicant respectfully notes that the term "negotiation" appears **only** in paragraph 7 of Fredell. This paragraph is directed toward due diligence process in the context of merger and acquisition (M & A) transactions and states:

> ...Typically, a vast amount of information needs to be reviewed, and analyzed by advisors, such as legal counsel, engineering...etc.... Heretofore, due diligence documentation may have been prepared in the form of confidential paper documents or stored in compact-disk read-only memories ("CD ROMs") forwarded by non-electronic delivery, such as Federal Express, to the recipients. After reviewing the information, an **acquiring** entity... may request additional information or clarification from the **target**. **Negotiations** may then occur between the **acquiring entity and the target** generating more documentation prior to closing....

It is respectfully submitted that Fredrell is merely disclosing the supply/generation of documents, to/between am acquiring entity and a target entity, that are required for effecting the merger or acquisition that is being negotiated between the two entities. However, it would be improper to construe that as disclosing one or more features required by applicant's presently claimed invention. For example, as previously argued, applicant's claim 1 requires a negotiation procedure between a task Originator and Recipient.

Clearly, the negotiation procedure disclosed by Fredrell is one where one company is considering buying another company. It is respectfully submitted that it is improper for one to correlate one to the other. Purchasing a company requires one set of considerations, *e.g.* has the company done anything in the past that might cause the purchasing company to be sued in the future. In contrast, deciding whether to accept a project requires another set of considerations, *e.g.* is accepting this assignment going to

help him achieve the professional goals that the Recipient has set for themselves. Both considerations are markedly different form each other and clearly and invariably require a different set of negotiation procedure be employed by both parties involved in each of the negotiations. As such, Fredrell still fails to disclose, teach, or suggest a negotiation procedure between a task Originator and Recipient as required by amended independent claim 1.

Moreover, it is respectfully submitted that applicant's specification discloses a managerially visible task negotiation procedure to establish task commitment in a matrix organization where a project manager or task originator **may not** have the authority to assign work to recipients that reside across different reporting lines. Though, in the last three sentences of paragraph 7, Fredrell discloses, "Often, the acquiring entity may request additional information or clarification from the target. Negotiations may then occur between the acquiring entity and the target generating more documentation prior to closing. Heretofore, such communications between the acquiring entity and the target may have been carried out by meetings, mail, telephone or telefacsimile." Fredell fails to disclose methods and systems that would easily allow for the tracking of such negotiations by upper management and other interested parties. Rather Fredrell merely provides a method and system for securely communicating and managing project information among multiple participants.

Accordingly, applicant respectfully submits that amended claim 1 is not anticipated by Fredell, as Fredell fails to disclose, teach, or suggest each and every element recited by amended claim 1. Claims 2 and 3 depend directly from claim 1, necessarily including the elements and limitations thereof. Accordingly, reconsideration

of the rejection of claims 1-3 under 35 USC § 102(b) as being anticipated by Fredell et al. (US Patent Publication 2001/0028364), is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 4-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fredell in view of Corral (US Patent 7,337,124).

The Corral Reference

As discussed previously, Corral is directed to a quality software management method and system. Corral discloses that its objects are achieved by a quality management framework system including a plurality of computer implemented tools accessible by the users for operating a plurality of quality processes. Data relative to the quality processes is collected and aggregated to generate a plurality of respective quality reports. Process defects are detected through a defect prevention tool, and quality actions are initiated in a feedback quality management action tracking process. Fig. 2 discloses a document review and acceptance process that are further depicted in Figs 6-a and 6-b. Figs. 6-a and 6-b disclose a document review and acceptance process, which starts with storing a first draft 602 and ends with storing an accepted vendor document in step 6012. (See, the discussion at col. 1, lines 5-8; col. 2, lines 20-27, col. 17, lines 19-23; col. 19, line 10 through col. 21, line 40; Tables 21-27; and Figs. 2, 6-a and 6-b of Corral)

Applicant respectfully notes that claims 4-15 depend directly or indirectly from amended independent claim 1 and necessarily include the limitations of that claim. As

such, the rejections against claims 4-15 also necessarily depend on Fredell disclosing each and every limitation of claim 1.

As discussed above Fredell is deficient in disclosing, teaching, or suggesting each and every limitation of amended independent claim 1. Applicant maintains that though Corral shows a back and forth process, where a deliverable document is reviewed and modified, based on a set of preapproved parameters, it fails to disclose, teach, or suggest a **negotiation procedure** between a task Originator and Recipient that negotiates the terms of the project (in this case the deliverable document) before the beginning of the project, as clarified by the amendment made to independent claim 1.

Further still, even thought Corral, in col. 44, Table 55; discloses a database entry where "Task Status" is stored, it indicates that the possible values stored in that field are "Pending" and "Finished"; Again, as with Fredell these are indicators of temporal status and whether the task is finished.

As such, Corral fails to remedy the deficiencies of Fredell and the combination of Fredell and Corral fails to disclose, teach, or suggest each and every element of amended independent claim 1. Moreover, since claims 4-15 depend directly or indirectly from amended independent claim 1, necessarily including the elements and limitations thereof, it is respectfully submitted that those claims also define patentably over the applied art, for at least the reasons discussed with regard to claim 1.

Accordingly, reconsideration of the rejection of claims 4-15 under 35 USC § 103(a) as being obvious over Fredell in view of Corral (US Patent 7,337,124) is respectfully requested.

Allow ability of New Claims

New independent claims 16 and 19, and dependent claims 17, 18 and 20, all require a negotiation procedure between a task Originator and Recipient and are allowable over the applied art at least for the reasons discussed with regard to presently amended claim 1. Accordingly, allowance of claims 16-21 is respectfully requested.

CONCLUSION

In view of the amendments to the claims and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Allowance of present claims 1-20 is, therefore, earnestly solicited.

Respectfully submitted,
Stephen Cozzolino

By 
Ernest D. Buff
(Their Attorney)
Reg. No. 25,833
(908) 901-0220